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Date: October 18, 2004

  
Jonathan A. Platt

Attorney Docket No. KESSP101USB

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Applicants: Kessler and Berzon

Serial No.: 10/164,663

Filed: June 7, 2002

Title: NASAL CANNULA RETAINER

Examiner: Michael G. Mendoza

Art Unit: 3731

## REPLY TO OFFICE ACTION DATED JUNE 18, 2004

Mall Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Further and favorable consideration of the above application is respectfully requested in view of the amendments made in the following listing of claims, and in view of the following remarks.

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openings distal to the nose. The orientation of the openings, toward the patient's nostrils, would render them ineffective for their intended purpose if they were relocated distal to the nose. Since Simmons does not teach or suggest the nasal cannula retainer of claim 6, claims 2-4 and 6 are patentable over Simmons.

Claim 16 recited a method of retaining a nasal cannula and a nasal gastric tube, the method including securing a nasal cannula distal to the nose. As discussed above, Simmons does not teach or suggest a nasal cannula retainer with clips distal to the nose of the patient. Therefore claim 16 is also patentable over Simmons.

### Conclusion


In view of the foregoing, withdrawal of rejections is respectfully requested, in which case the application would be in condition for allowance.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Authorization is given to charge \$55.00 to our Deposit Account No. 18-0988 (Charge No. KESSP101USB) for a one-month extension of time. In the event any additional fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Charge No. KESSP101USB).

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

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